

which is not the case at the present time. The death penalty is, in effect, a flagship of punishment under our criminal justice system. So, that the when the criminals know that the death penalty is a laughing stock, it impedes law enforcement in a very generalized way.

So when I read about the execution of Jesse Jacobs in Texas under circumstances which are going to undermine public confidence in the death penalty, may make it harder to get a reform of Federal law to handle the cases in a timely way so that they are decided in approximately 2 years instead of 20 years, and where the use of the death penalty may be undermined generally, that is very counter to the interests of society and effective law enforcement.

It is obviously fundamentally unfair, as Justice John Paul Stevens said and three Justices who wanted the Supreme Court of the United States to review this case.

I believe that the Congress is going to have to enact legislation to correct what is happening in the Supreme Court on these procedural matters. When they hand down decisions on constitutional grounds, that is it, unless

there is a constitutional amendment. But when they establish their own procedural rules as to when they will review a State case involving the death penalty, that is a matter where the Congress can legislate because we can establish the standards under which jurisdiction attaches and under which the Supreme Court and the other Federal courts will consider these cases.

This case has not received the kind of attention which is really warranted. There are so many events that happen every day and so many matters which come across the television screens and in the newspapers and on the radio that there is not a great deal of opportunity to focus on this kind of a matter.

I had been looking for a few minutes when the Senate was not otherwise engaged. I regret keeping people here for a few minutes, but I think this is an important matter which will require the attention of our Judiciary Committee so that there will be some realistic and reasonable standards by the Supreme Court of the United States in the interest of fundamental fairness to defendants, and also so that we can retain the death penalty and speed up the process so that it can be an effective weapon for law enforcement

I thank the Chair and I thank the attending staff, and I yield the floor.

RECESS UNTIL TOMORROW AT 9 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess.

Thereupon, the Senate, at 7:17 p.m., recessed until Thursday, January 12, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate January 11, 1995:

THE JUDICIARY

LACY H. THORNBURG, OF NORTH CAROLINA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA, VICE ROBERT D. POTTER, RETIRED.

JOHN D. SNODGRASS, OF ALABAMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA, VICE E.B. HALTOM, JR., RETIRED.

SIDNEY H. STEIN, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE PIERRE N. LEVAL, ELEVATED.

THADD HEARTFIELD, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS, VICE ROBERT M. PARKER, ELEVATED.

DAVID FOLSOM, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS, VICE SAM B. HALL, JR., DECEASED.

SANDRA L. LYNCH, OF MASSACHUSETTS, TO BE U.S. CIRCUIT JUDGE FOR THE FIRST CIRCUIT, VICE STEPHEN G. BREYER, ELEVATED.